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U.S. Department of Justice

United States Attorney
Southern District of New York

Jacob K. Javits Federal Building
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New York, New York 10278

February 18, 2025

By ECF and Email

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Barney Henry*, 25 Cr. 46 (VEC)

Dear Judge Caproni:

The Government respectfully submits this letter to request redactions to the transcript of the January 8, 2025 proceeding in the above-referenced matter, which occurred before the Honorable Barbara Moses, United States Magistrate Judge for the Southern District of New York, and to the transcript of the January 13, 2025 proceeding in the above-referenced matter, which occurred before the Honorable Gary Stein, United States Magistrate Judge for the Southern District of New York. Counsel for Mr. Henry consents to this request.

Both transcripts include references to the names of alleged victims of domestic violence. The identities of victims of domestic violence are similar to the types of “sensitive information” that may be redacted as a matter of course under Federal Rule of Criminal Procedure (“Rule”) 49.1 and the Notice Regarding Privacy and Public Access to Electronic Civil and Criminal Case Files (available at <https://www.nysd.uscourts.gov/sites/default/files/pdf/egovtact042005.pdf>) (the “Notice”). See also *United States v. Amodeo*, 71 F.3d 1044, 1050–51 (2d Cir. 1995) (noting that privacy interests of innocent third parties are “a venerable common law exception to the presumption of access”).

In addition, the January 13, 2025 transcript refers to an individual’s street address, which is required to be redacted under Rule 49.1 and the Notice.

Enclosed herewith please find two versions of the transcripts: one in which the text that the Government proposes to redact has been highlighted, and another in which that text has been redacted. Exhibit A is the highlighted version of the January 8 transcript, and Exhibit B is the redacted version of that transcript; Exhibit C is the highlighted version of the January 13 transcript, and Exhibit D is the redacted version of that transcript.¹

¹ Because the highlighted versions of the transcripts include the text that the Government seeks to redact, for the same reasons that the Government seeks the redactions, the Government also requests that Exhibits A and C be filed under seal.

For the reasons set forth above, the Government respectfully requests that the Court accept the Government's proposed redactions to the transcripts.

Respectfully submitted,

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Application GRANTED. The Government is granted leave to file Exhibits A and C under seal. The Court accepts the Government's redactions.

IT IS HEREBY ORDERED that only the Court and the parties shall have access to the un-redacted transcripts at Exhibits A and C to the Government's motion. *See* Dkts. 19-1, 19-3. Only the redacted transcripts for the January 8 and January 13, 2025 proceedings found at Exhibits B and D to the Government's motion, Dkts. 19-2 and 19-4, shall be made available to the public.

SO ORDERED.



2/18/2025

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE